

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
NE/Corner Cromwell Bridge Road * ZONING COMMISSIONER
and Loch Raven Drive (2260 Cromwell Bridge Road)
9th Election District * OF BALTIMORE COUNTY
6th Councilmanic District * Case No. 91-256-SPH
Ronald Sanders
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve the nonconforming use of commercial parking in a residential zone in accordance with Petitioner's Exhibit 1.

The Petitioner appeared, testified and was represented by William T. Russell, Jr., Esquire. Also appearing on behalf of the Petition were Dr. and Mrs. Paul H. Hardy, and J. Ralph Bridges. There were no Protestants.

Testimony indicated that the subject property, known as 2260 Cromwell Bridge Road, consists of 2.113 acres more or less zoned B.L. and is the site of the Sanders' Corner restaurant and carry-out. Petitioner is desirous of expanding the dining area of the restaurant and utilizing an existing parking area across from the subject site to provide the required additional parking spaces. Testimony indicated that in order to use the subject parking area for the required parking, Petitioner must establish its nonconforming use.

Dr. Paul Hardy testified that he has lived approximately two miles from the subject site since 1950. He testified of his personal recollection of the subject parking lot being used as such since 1950. Dr. Hardy indicated that originally, the lot had a stone and gravel surface and within the last several years, had been covered with macadam.

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Date 3/29/91
By [Signature]

Mrs. Hardy concurred with her husband's testimony and testified that she had personally parked on the lot in question for many years.

Ralph Bridges appeared and testified on behalf of the subject Petition and indicated that he has personal recollection of the subject parking lot dating back to the 1920s. Mr. Bridges indicated that originally the lot had no specific "definition", that it has always been approximately the same size as it is exists today.

Additionally, Petitioner submitted the signed affidavit of William R. Winneberger who, between the years of 1943 and 1986, was employed by Baltimore City at its Loch Raven Watershed office located on Loch Raven Drive. Mr. Winneberger asserts in said affidavit that "the area comprising the parking lot adjacent to the store has not increased, decreased, or changed in any way during this period with the exception that it has been resurfaced and lined."

Correspondence dated November 29, 1990 from the Maryland Department of Transportation, State Highway Administration and attached exhibit indicated that said Department requested plan revisions which included the removal of the two parking spaces immediately in front of the subject restaurant and the construction of concrete curb and gutter on Cromwell Bridge Road as indicated on Petitioner's Exhibit 1. As the testimony and evidence presented in this matter clearly established a legal nonconforming use of the subject property, the Zoning Commissioner has no authority to order the Petitioner to make such deletions and improvements.

Zoning came officially to Baltimore County on January 2, 1945, when, pursuant to previous authorization by the General Assembly, the County Commissioners adopted a comprehensive set of zoning regulations.

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Date 3/29/91
By [Signature]

- 2 -

The Commissioners were first authorized to adopt comprehensive planning and zoning regulations in 1939 (Laws of Maryland, 1939, ch. 715). At the next biennial session of the General Assembly, this authorization was repealed, and a new authorization was enacted (Laws of Md., 1941, ch. 247). Before any such regulations were issued, the Legislature authorized the Commissioners to make special exceptions to the regulations (Laws of Md., 1943, ch. 877). The first regulations were adopted and took effect on January 2, 1945. See Kahl v. Cong. Gas Elec. Light. and Pwr. Co., 191 Md. 249, 254, 60 A.2d 754 (1948); Calhoun v. County Board of Appeals, 262 Md. 265, 277 A.2d 589 (1971).

Section II of those regulations created seven zones, four being residential, one commercial, and two industrial. See McKamy v. Baltimore County, Md., 39 Md. App. 257, 385 A.2d 96 (1978).

Those original regulations provided for nonconforming uses. The statute read as follows:

"A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue, provided, however, upon any change from such nonconforming use to a conforming use, or any attempt to change from such nonconforming use to a different nonconforming use or any discontinuance of such nonconforming use for a period of one year, or in case a nonconforming structure shall be damaged by fire or otherwise to the extent of seventy-five (75%) percent of its value, the right to continue to resume such nonconforming use shall terminate, provided, however, that any such lawful nonconforming use may be extended or enlarged to an extent not more than 20% again the area of the land used in the original nonconforming use." Section XI, 1945, B.C.Z.R.

Baltimore County adopted a new set of comprehensive zoning regulations on March 30, 1955. The issue of nonconforming uses are dealt with in Section 104 of those regulations. The Section then read:

"104.1 - A lawful nonconforming use existing on the effective date of the adoption of these regulations

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Date 3/29/91
By [Signature]

- 3 -

may continue; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel or land shall hereafter be extended more than 25% of the ground floor area of buildings so used."

Section 104.1 was changed to its current language on March 15, 1976 by Bill No. 18-76. The current effective regulation reads as follows:

"A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these Regulations; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used (B.C.Z.R., 1955; Bill No. 18, 1976)."

On August 4, 1980, the current language found in Section 104.2 was added to the B.C.Z.R. by Bill No. 167-80. This regulation placed an exception upon the general nonconforming rule for Special Exception office buildings. The second reads as follows:

"Exception. Any contrary provision of these regulations notwithstanding, an office building that was authorized by grant of a special exception and that becomes damaged to any extent or destroyed by casualty may be fully restored in accordance with the terms of the special exception (Bill No. 167, 1980)."

As with all non-conforming use cases, the first task is to determine what lawful non-conforming use existed on the subject property prior

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Date 3/29/91
By [Signature]

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PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-256-SPH

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the nonconforming use of commercial parking in a residential zone.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm under the penalties of perjury, that I/We are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: (Type or Print Name) Signature Address City and State	Legal Owner(s): (Type or Print Name) Signature (Type or Print Name) Signature City and State
Wm. T. Russell, Jr. 300 Jefferson Building Towson, Maryland 21204	Ronald Sanders 300 Jefferson Building Towson, Maryland 21204
City and State Maryland	City and State Maryland
Attorney for Petitioner: (Type or Print Name) Signature Address City and State	300 JEFFERSON BLDG TOWSON, MD 21204 Name, address and phone number of legal owner, contract purchaser or representative to be contacted Name Address Phone No.
Wm. T. Russell, Jr. 300 JEFFERSON BLDG TOWSON, MD City and State Maryland	377-2775 Phone No.
Attorney's Telephone No. 828-4224	

ORDERED By The Zoning Commissioner of Baltimore County, this 12 day of March, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 14 day of March, 1991, at 9 o'clock

J. Robert Haines
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
Date 3/29/91
By [Signature]

E.C.O.-No. 1
ESTIMATED LENGTH OF HEARING (over)
APPEARANCE FOR HEARING
ALL
REVIEWED BY
Date 4-15-91

to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning. Mr. Bridges' testimony was clear that he has personal recollection of the subject parking lot dating back to the 1920s.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKamy v. Baltimore County, Md., 39 Md. App. 257, 385 A.2d 96 (1978). The use of the parking lot has not changed, only the materials used to surface the lot have changed from stone and gravel to macadam.

When the claimed non-conforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the non-conforming use, the Zoning Commissioner should consider the following factors:

- To what extent does the current use of these lots reflect the nature and purpose of the original non-conforming use;
- Is the current use merely a different manner of utilizing the original non-conforming use or does it constitute a use different in character, nature, and kind;
- Does the current use have a substantially different effect upon the neighborhood;
- Is the current use a "drastic enlargement or extension" of the original non-conforming use."

McKamy v. Baltimore County, Md., Supra.

ORDER RECEIVED FOR FILING
Date 3/29/91
By [Signature]

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Again, there was no evidence indicating that any such change or break in the continued nature of the nonconforming use to warrant denial of the relief requested.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County this 30th day of March, 1991, that the Petition for Special Hearing to approve the nonconforming use of commercial parking in a residential zone in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs

ORDER RECEIVED FOR FILING
Date 3/29/91
By [Signature]

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

March 20, 1991

William T. Russell, Jr., Esquire
300 Jefferson Building
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
NE/Corner Cromwell Bridge Road and Loch Raven Drive
(2260 Cromwell Bridge Road)
9th Election District - 6th Councilmanic District
Ronald Sanders - Petitioner
Case No. 91-256-SPH

Dear Mr. Russell:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,
J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

91-256-SPH

Zoning Description

Sanders' Corner

Parcel I

(N.W. Corner of Loch Raven Rd. & Cromwell Bridge Rd.)

beginning at a point being also the beginning of a center line of the 30 ft wide right of way, described in the land records of Balto. Co. Liber 2998 and Folio 4491 thence running N 55° 15' W 15.25' thence N 55° 15' E 130.12' thence N 55° 32' E 103.53' thence N 44° 24' E 15' thence N 21° 07' E 15' thence N 18° 21' W 10' thence N 40° 19' W 10' thence N 59° 59' W 15' thence N 75° 29' W 20' thence N 78° 01' W 15' thence N 72° 30' W 15' thence N 69° 17' W 15' thence N 68° 50' W 15' thence N 62° 30' W 15' thence N 58° 35' W 15' thence N 58° 08' W 15' to the point of beginning. Containing .913 acres and located in the 9th election district.

RECEIVED DEC 2 8 1991

#205
REVISED PLANS

91-256-SPH

Zoning Description

Sanders' Corner

Parcel II

(N.E. Corner of Loch Raven Rd. & Cromwell Bag. Rd.)

beginning at a point in the centerline of Loch Raven Rd. at the northeast corner of Cromwell Bridge Rd. thence running S 84° 28' E 50' thence N 67° 47' E 153' thence N 20° 00' W 92.00' thence S 68° 31' W 95.00' thence N 35° 39' W 39.00' thence N 21° 33' W 38.14' thence S 64° 32' W 42.30' thence S 83° 15' W 237.70' thence S 41° 11' E 88.40' thence S 51° 58' E 60' thence S 72° 21' E 100.00' thence S 73° 56' E 50.00' to the point of beginning. Containing 1.20 acres and located in the 9th election district.

RECEIVED DEC 2 8 1991

#205
REVISED PLANS

Zoning Description

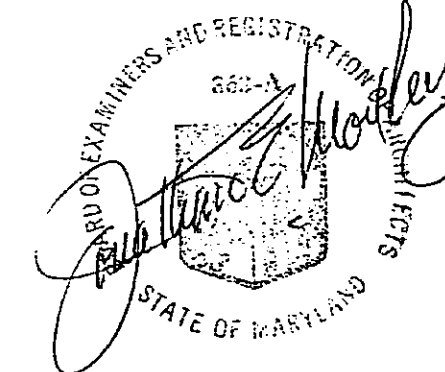
Sanders' Corner

Parking Lot

Liber 7355 Folio 001

beginning at a point in the centerline of Loch Raven Road at the northeast corner of Cromwell Bridge Road thence running S 84° 28' E 50' thence N 67° 47' E 153' thence N 20° 00' W 92.00' thence S 68° 31' W 95.00' thence N 35° 39' W 39.00' thence N 21° 33' W 38.14' thence S 64° 32' W 42.30' thence S 83° 15' W 237.70' thence S 41° 11' E 88.40' thence S 51° 58' E 60' thence S 72° 21' E 100.00' thence S 73° 56' E 50.00' to the point of beginning. Containing 1.20 acres and located in the 9th election district.

91-265-SPH

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

91-256-SPH

District: 9th Date of Posting: 1/28/91

Posted for: Ronald Sanders

Petitioner: Ronald Sanders

Location of property: N.E. Corner of Loch Raven Rd. & Cromwell Bridge Rd.

Location of Sign: Facing Intersection of Cromwell Bridge Rd. & Loch Raven Rd. near 12' E. Road Way.

Remarks:

Posted by: [Signature] Date of return: 1/19/91

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 1-18, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1-17, 1991.

TOWSON TIMES,

S. Zeke Orlean
Publisher

\$ 78.67

CERTIFICATE OF PUBLICATION

TOWSON, MD., 1-18, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1-17, 1991.

THE JEFFERSONIAN,

S. Zeke Orlean
Publisher

\$ 78.67

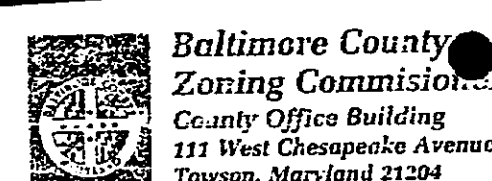
NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case number: 91-256-SPH
NEC Cromwell Bridge Road and Loch Raven Drive
8th Election District
8th Councilmember:
Petitioner(s):
Ronald Sanders
Hearing Date: Monday,
Feb. 11, 1991 at 10:00 a.m.

Special Hearing: to approve the nonconforming use of commercial parking in a residential zone.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County
1/27/1991 Jan. 17.



Baltimore County Zoning Commissioner's Office

County Office Building

111 West Chesapeake Avenue

Towson, Maryland 21204

Account: R-001-6150

Number

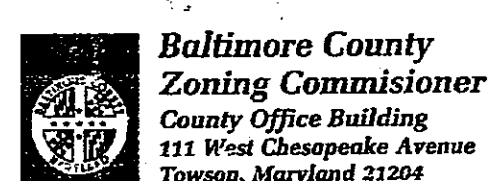
Item 205

Date

Cashier Validation

Please Make Checks Payable To: Baltimore County

receipt



Baltimore County Zoning Commissioner's Office

County Office Building

111 West Chesapeake Avenue

Towson, Maryland 21204

Account: R-001-6150

Number

91-256

Date

2/11/91

RECEIVED

PUBLIC HEARING FEES	QTY	PRICE
060 -POSTING SIGNS / ADVERTISING 1	X	\$103.67
TOTAL:		\$103.67

LAST NAME OF OWNER: SANDERS

Please Make Checks Payable To: Baltimore County

Cashier Validation

\$103.67

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 1/29/91

Ronald Sanders
903 Stoneleigh Road
Baltimore, Maryland 21212

RE:

Case Number: 91-256-SPH
NEC Cromwell Bridge Road and Loch Raven Drive
9th Election District - 6th Councilmember
Petitioner(s): Ronald Sanders
HEARING: MONDAY, FEBRUARY 11, 1991 at 10:00 a.m.

Dear Petitioner(s):

Please be advised that \$ 103.67 is due for advertising and posting of the above captioned property. THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:gs

cc: William T. Russell, Jr., Esq.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning111 West Chesapeake Avenue
Towson, MD 21204

887-3353

January 8, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-256-SPH
NEC Cromwell Bridge Road and Loch Raven Drive
9th Election District - 6th Councilmember
Petitioner(s): Ronald Sanders
HEARING: MONDAY, FEBRUARY 11, 1991 at 10:00 a.m.

Special Hearing to approve the nonconforming use of commercial parking in a residential zone.

J. Robert Haines
Zoning Commissioner of Baltimore Countycc: Ronald Sanders
William T. Russell, Jr., Esq.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

January 29, 1991

William T. Rossell, Esquire
300 Jefferson Building
Towson, MD 21204

RE: Item No. 205, Case No. 91-256-SPH
Petitioner: Ronald Sanders
Petition for Special Hearing

Dear Mr. Rossell:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WIRIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Ronald Sanders
503 Stoneleigh Road
Baltimore, MD 21212

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
12th day of December, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Ronald Sanders

Petitioner's Attorney: William T. Rossell

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 205, Zoning Advisory Committee Meeting of December 14, 1990

Property Owner: *Ronald Sanders* District: *9*

Location: *NEC Cromwell Bridge Rd + Loch Raven Dr.*

Water Supply: *private* Sewage Disposal: *metro*

COMMENTS ARE AS FOLLOWS:

- (✓) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- () A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any charbroiler generation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service areas and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appliances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
- () Soil percolation tests, have been _____, must be _____ conducted.
- () The results are valid until _____.
- () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until _____. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3980.
- () In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.
- () Others _____

Michael S. Flanagan
BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

November 29, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
At: James Dyer

Re: Baltimore County
Ronald Sanders Property
Zoning meeting 12/11/90
NIS Cromwell Bridge Road
MD 567
at Loch Raven Drive
Item #205

Dear Mr. Haines:

We have reviewed the submittal for Sander's Store and offer the following comment:

The plan must be revised to show construction of concrete curb and gutter as shown on the enclosed revised plan.

Also, there is an existing utility pole along the frontage of this property. This pole must be shown on the plan so we can determine how we can construct the curb around it.

It is requested this plan be revised prior to a hearing date being set.

If you have any questions, please contact Larry Brocato (333-1350).

Very truly yours,

John Contestabile
John Contestabile, Chief
Engineering Access Permits
Division

LB/es

attachment

cc: Ronald Sanders w/att.
Mr. J. Ogle

RECEIVED
DEC 3 1990
ZONING OFFICE

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County Government
Department of Public Works
Bureau of Traffic Engineering

401 Bosley Avenue Suite 405
Towson, MD 21204

887-3554
Fax 887-5784

December 10, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item #205
Property Owner: Ronald Sanders
Location: N.E. corner Cromwell Bridge Road & Loch Raven Drive
Existing Zoning: D.R.1
Proposed Zoning: Special Hearing to approve the nonconforming use of commercial parking in a residential zone.
Area: 1.20 acres
District: 9th Election District
6th Councilmanic District

Dear Mr. Haines:

Please see the C.R.G. comments for this site.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

MSF/lab

received
12/13/90

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

DECEMBER 3, 1990

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: RONALD SANDERS

Location: NEC CROMWELL BRIDGE ROAD AND LOCH RAVEN DRIVE

Item No.: 205 Zoning Agenda: DECEMBER 11, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy. CHAPTERS 8, 9, 19

REVIEWER: *CH. Reincke* 12-3-90 Noted and Approved *John Contestabile*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

received
12/14/90

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE
December 4, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING

FROM: CHARLES E. BURHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES

SUBJECT: ZONING ITEM #: 205
PROPERTY OWNER: Ronald Sanders

LOCATION: NEC Cromwell Bridge Road & Loch Raven Dr.

ELECTION DISTRICT: 9th
COUNCILMANIC DISTRICT: 6th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

() PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

() PARKING LOCATION () RAMPS (degree slope)
() NUMBER PARKING SPACES () CURB CUTS
() BUILDING ACCESS () SIGNAGE

() PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

(✓) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

(✓) STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE). *Show Flood Plain*

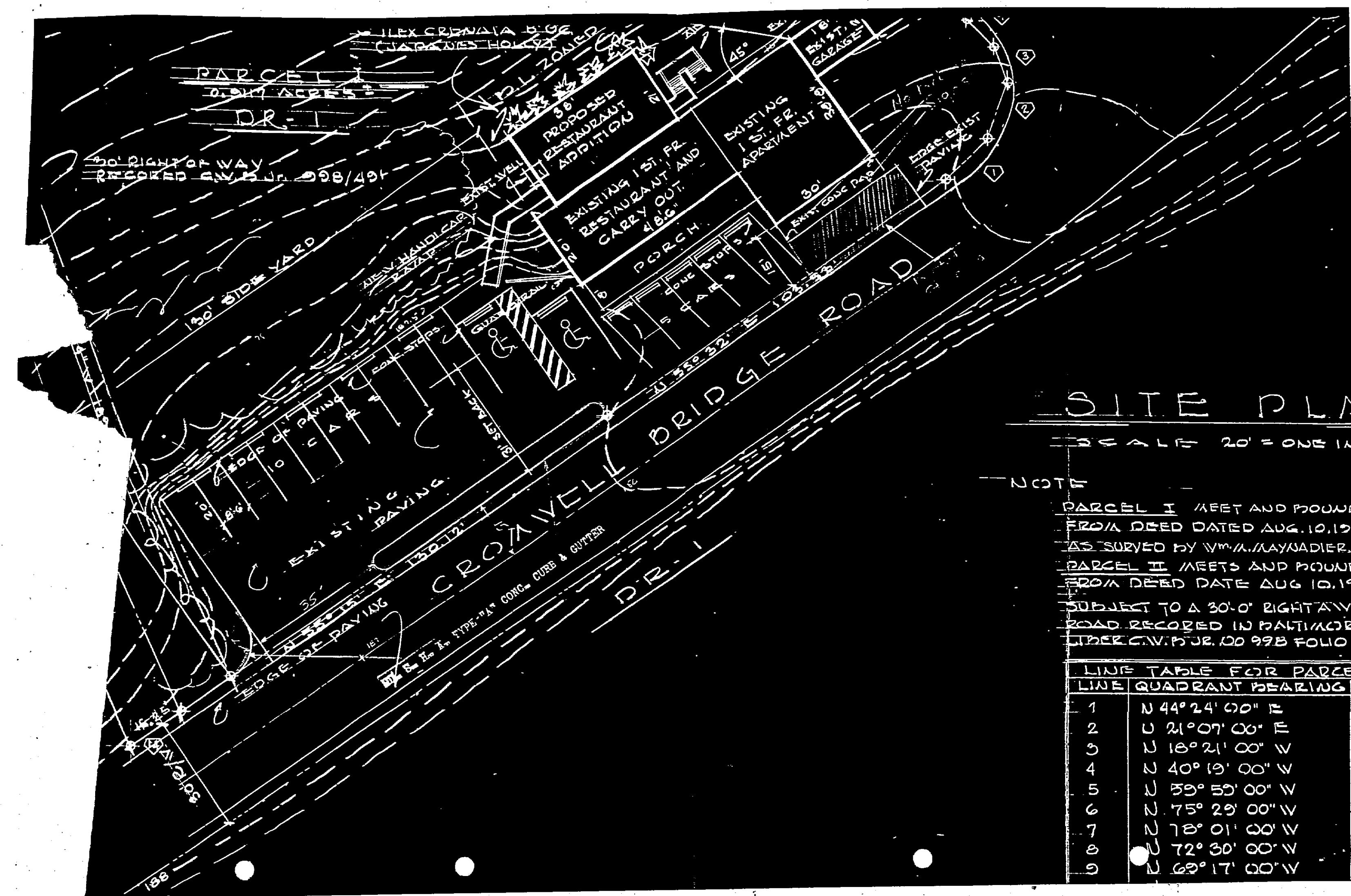
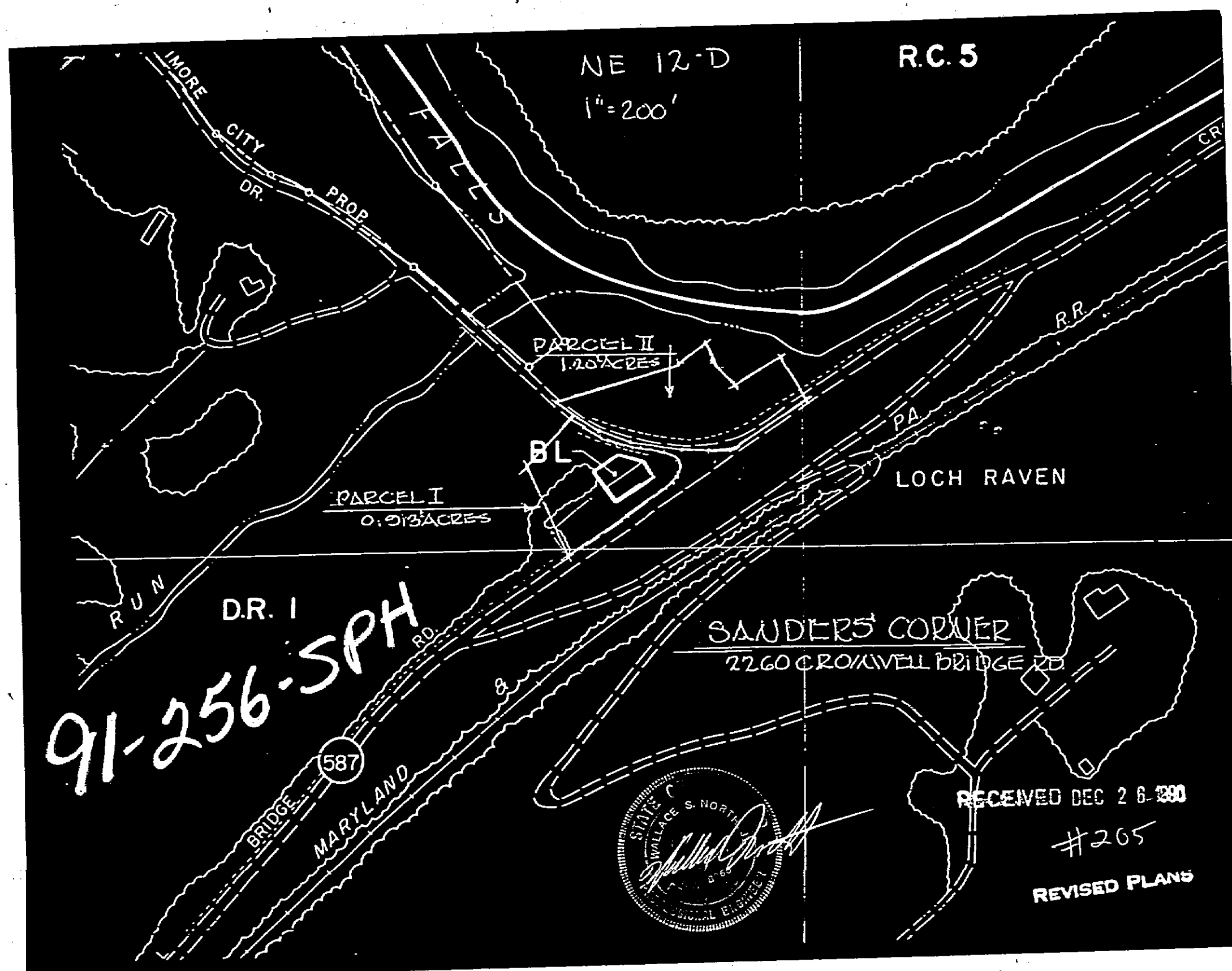
(X) OTHER - SEE ATTACHED COPY

PERMITS MAY BE APPLIED FOR 8 ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88

ADDRESS
11737 GLEN ARM RD,
11737 Glen Arm Rd.
1121 CONCORDIA DR. TOWSON, 21204



SITE PLAN

SCALE 20' = ONE IN.

NOTE
 PARCEL I MEETS AND BOUNDS FROM DEED DATED AUG. 10, 1915 AS SURVEYED BY W.M.A. KAY/BAUER. PARCEL II MEETS AND BOUNDS FROM DEED DATED AUG. 10, 1915 AS SURVEYED BY W.M.A. KAY/BAUER. SUBJECT TO A 30.0' RIGHT-OF-WAY ROAD RECORDED IN BALTIMORE LIBER. C.V. 17, 100 99B FOLIO.

LINE TABLE FOR PARCEL I	
LINE	QUADRANT BEARING
1	N 44° 24' 00" E
2	U 21° 07' 00" E
3	N 18° 21' 00" W
4	N 40° 19' 00" W
5	U 39° 55' 00" W
6	N 75° 25' 00" W
7	N 78° 01' 00" W
8	U 72° 30' 00" W
9	U 69° 17' 00" W

IN THE
 MATTERS OF
 NWC & NEC CROMWELL BRIDGE ROAD
 LOCH RAVEN DRIVE

AFFIDAVIT IN SUPPORT OF PETITION TO APPROVE NONCONFORMING USE

WILLIAM R. WINNEBERGER deposes and says that he is competent to be a witness and has personal knowledge of the matters and facts hereinafter set forth.

In 1943 I became employed by Baltimore City at its Loch Raven Watershed office located on Loch Raven Drive in the immediate vicinity of premises then occupied by Lake Drive-In and now by the Sanders store. From 1943 until 1986, I worked at that location continuously and without interruption and was never away from my work place during that period for any more than 4 weeks/months. The area comprising the parking lot adjacent to the store has not been increased, decreased or changed in any way during this period with the exception that it has been resurfaced and lined. The area comprising the parking lot on the northeast corner of Loch Raven Drive and Cromwell Bridge Road was increased by no more than 10%-15% by the addition of some fill in about 1956 but has not otherwise been changed in any way.

My observations of the store premises during the period 1943-1986 were accomplished by driving by this intersection on a regular, if not daily basis, patronizing the store, and the actual use of the lot on the northeast corner by our vehicles which were

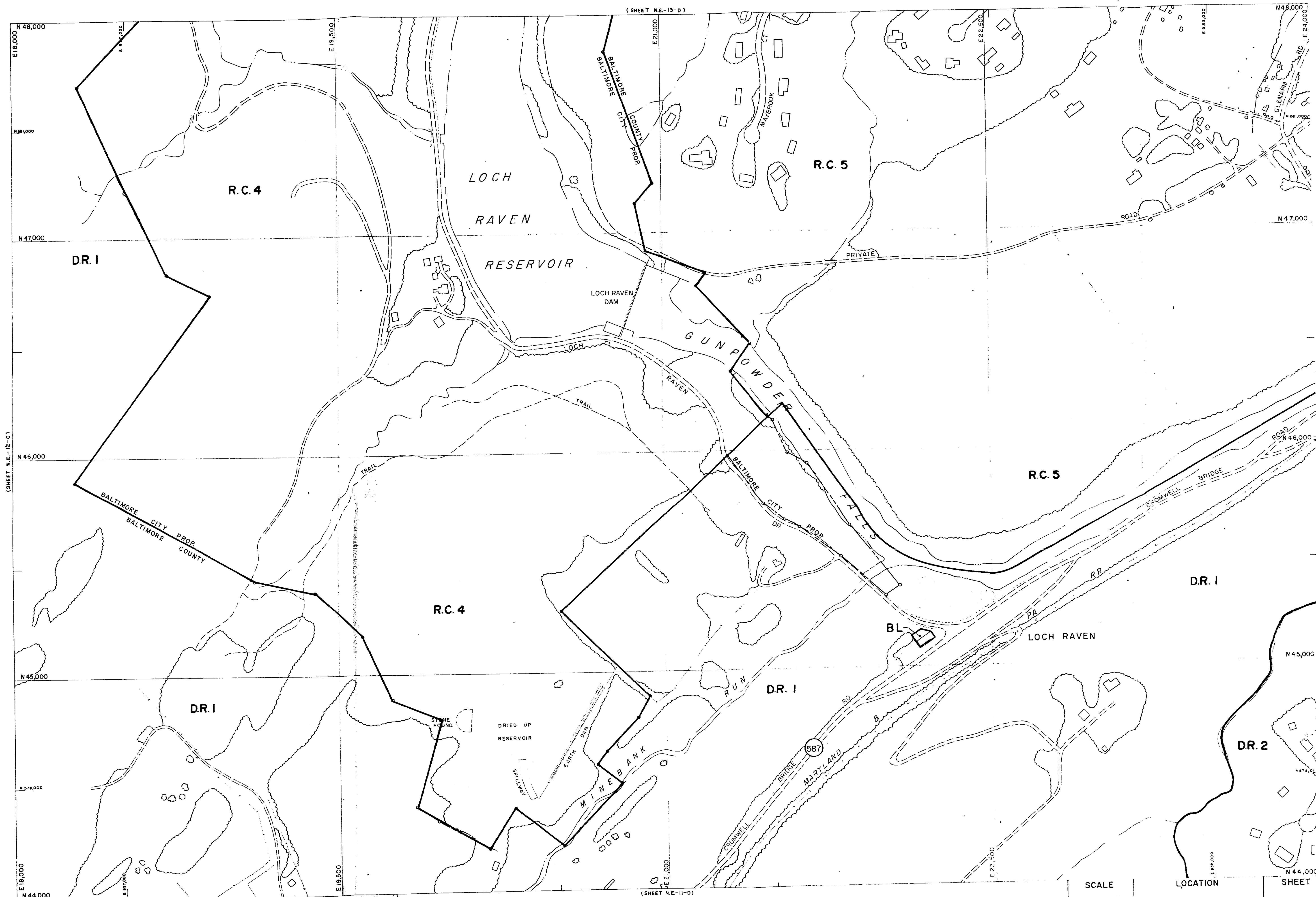
permitted to enter and exit the area for the purpose of turning around.

I HEREBY DECLARE AND AFFIRM under the penalty of perjury that the matters and facts set forth herein are true and correct to the best of my knowledge, information and belief.

William R. Winneberger
 WILLIAM R. WINNEBERGER

PETITIONER'S EXHIBIT 2

91-256
 SPH



R - SE

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
13, 1988
Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88
[Signature]
Chairman, County Council

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

SCALE 1" = 200' ±	LOCATION LOCH RAVEN RESERVOIR AREA CROMWELL BRIDGE	SHEET NE 12 - D
DATE OF PHOTOGRAPHY JANUARY 1986		

91-265-SPH

Item
#205

Helen Wofford
11203 Glenarm Rd.
Glen Arm, Md. 21057

668-8307

MARIE M. HERMAN
11208 OLD CARRIAGE RD.
GTEN ARM, MD 21057

661-4005

Lillian D. Jeniff
2200 Cromwell Bridge Rd.
Balt. Md. - 21234-1420

C-96-1724

91-256-SPH

